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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,181	12/07/2001	Robert Andre	AT-19.PCT/US	9542
466	7590	07/30/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			AFTERGUT, JEFF H	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,181

Applicant(s)

ANDRE ET AL.

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 9, 12, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over E.P. 897,174 in view of E.P. 911,803 and optionally further taken with any one of Hom, Whitmore et al, or Beggs et al for the same reasons as presented in the Office action dated January 27, 2004, paragraph 2.
3. Claims 10, 11, 13, 15, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 2 further taken with Japanese Patent 10-128,778 for the same reasons as expressed in the Office action dated January 27, 2004, paragraph 3.

Response to Arguments

4. Applicant's arguments filed June 28, 2004 have been fully considered but they are not persuasive.

The applicant essentially presented two main arguments directed at the grounds of rejection presented above in paragraph 2. The first argument was that the reference to E.P. '174 does not disclose emplacement on the mold of the filaments pre-impregnated with resin to form the structural member prior to placement of the acoustic mesh and that the reference only speaks of adjusting the spacing to vary the density and thus the openings in the structural member in the winding operation but does not express that one would have provided an open structure of 30% in the layer. The applicant is advised that it is admitted that the reference provided the acoustic mesh (the non-reinforcing layer) on the mold first followed by placement of the structural

reinforcement thereon by winding, however the applicant is advised that one cannot show non-obviousness by attacking references individually where combinations of references have been applied under 35 USC 103(a). In this particular instance, the reference to E.P. '803 clearly suggested that one skilled in the art at the time the invention was made would have desired to incorporate the acoustic mesh under the structural reinforcement in order to avoid possible peel off and damage to the same, see column 2, line 54-column 3, line 13. Clearly, one viewing the same would have been apprised of the possible dangers associated with exposing the acoustic mesh on the exterior of the assembly and would have desired to provide for the structural reinforcement on the exterior. Performing the same in E.P. '174 would have entailed placement of the pre-impregnated filaments upon the mold first followed by placement of the acoustic mesh upon the structural reinforcement. Additionally, applicant is advised that obviousness does not require absolute predictability but rather only requires a reasonable expectation of success, see In re O'Farrell, 7 USPQ2d 1673. one skilled in the art at the time the invention was made would have reasonable expected to have been able to alter the orientation of the layers placed in the mold and perform the molding operation to achieve a noise attenuating panel which had the property of reduced danger of peel off of the acoustic mesh material utilized in the panel. As to the use of a reinforcement which had 30% openness, the applicant is advised that the reference to E.P. '174 suggested that one would have laid the fibers down to achieve the desired openness one wanted and the reference to E.P. '803 clearly suggested that the degree of openness which would have been employed for the structural reinforcing layer would have been between 30-38%, see column 3, lines 18-20. note that this is deemed to be the conventional degree of

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openness provided for the structural reinforcing layer whether the layer was exposed on the exterior or disposed under the acoustic mesh material.

Regarding the reference to E.P. '803, the applicant argues that the reinforcement which was disposed on the exterior was formed of metal (sheet 16) and that there were production difficulties associated with piercing a metal sheet as well as corrosion problems which would have been possible in the finished assembly as the metal sheet was exposed on the exterior. The applicant is advised that the prior art rejection is not to utilize the metal sheet material of E.P. '803 but rather the express teaching in the reference not to expose the acoustic mesh on the exterior of the assembly due to the inherent danger associated with peel off and engine damage when the panel was used in a nacelle. The applicant is advised that, as such, one skilled in the art would have been motivated to reverse the processing in E.P. '174 (to provide the structural layer initially on the mold and then overlay the acoustical mesh over the same. to do otherwise would have gone against the teachings of the reference to E.P. '803. There would have been no reason for one viewing the reference to E.P. '803 to incorporate a metal reinforcement in E.P. '174 and disposal of the acoustic mesh under the structural layer in E.P. '174 would have been expected to solve the problem associated with peel off of the acoustical mesh material in use.

The applicant does not address the reference to Japanese Patent 10-128778 other than to state that it did not overcome the drawbacks of the other references. However, such deficiencies simply do not exist and as such, it is deemed that applicant agrees with the Office interpretation of the reference to Japanese Patent '778 (that the reference suggested the autoclaving of the pre-impregnated fiber material prior to formation of holes therein in order to increase the viscosity of the resin to prevent the subsequently formed holes in the sheet of composite material from filling

in the manufacture of an acoustical liner material). Additionally, the applicant is silent as to the references to any one of Hom, Whitmore et al, or Beggs et al and therefore it is believed that applicant agrees with the Office interpretation presented in the last Office action regarding these references and their relevant teachings.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

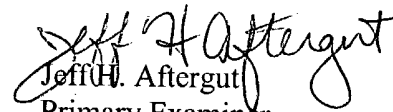
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
July 27, 2004